

VZCZCXRO6992
OO RUEHDT
DE RUEHC #0526/01 1622239
ZNR UUUUU ZZH
O 112213Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY DILI IMMEDIATE 5711

UNCLAS SECTION 01 OF 05 STATE 060526

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [TT](#)
SUBJECT: TIMOR-LESTE -- 2009 TIP REPORT: PRESS GUIDANCE
AND DEMARCHE

REF: (A) STATE 59732 (B) STATE 005577

11. This is an action cable; see paras 5 through 7 and 10.

12. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

13. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Timor-Leste of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Timor-Leste and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

14. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

15. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Timor-Leste of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

16. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about

which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Timor-Leste's country narrative in the 2009 TIP Report:

Timor-Leste (TIER 2)

Timor-Leste is a destination country for women from Indonesia, Thailand, the People's Republic of China, Malaysia, and the Philippines trafficked for the purpose of commercial sexual exploitation, and a destination for men from Burma trafficked for the purpose of forced labor. Timor-Leste has a growing internal trafficking problem, mainly women and children lured to Dili from rural areas or camps for internally displaced persons with offers of employment and subsequently forced into prostitution.

STATE 00060526 002 OF 005

Transnational traffickers, who may be members of organized crime syndicates, typically recruit and control their victims through fraud and psychological coercion.

The Government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so despite limited resources. During the year, the government improved counter-trafficking coordination among ministries, trained officials and law enforcement agents on human trafficking, implemented a birth registration program as a form of preventing trafficking, established procedures to identify victims among foreign women arrested for prostitution, and increased trafficking awareness among vulnerable populations.

The government, however, did not arrest or prosecute any trafficking offenders, though officials identified some trafficking victims, and has not investigated persistent reports of law enforcement agents accepting bribes from traffickers.

Recommendations for Timor-Leste: Enact the draft Penal Code provisions on trafficking in persons; increase investigations, prosecutions, and punishment of trafficking offenders; train law enforcement officers on victim identification and protection; institute formal procedures for referring victims to service providers; and investigate, prosecute, and punish government officials who accept bribes to facilitate sex trafficking.

Prosecution

The Government of Timor-Leste demonstrated a minimal increase in anti-trafficking law enforcement efforts over the past year. Although both labor and sex trafficking victims were identified, the government did not investigate, arrest or prosecute any trafficking offenders. The Ministry of Justice drafted a new Timor-Leste Penal Code, which defines and punishes all forms of trafficking and provides protection to witnesses and victims. The Penal Code is awaiting approval by the Council of Ministers. During the year, trafficking cases could have been prosecuted under provisions in the Immigration and Asylum Act of 2003. Timor-Leste prohibits all forms of sex and labor trafficking through this Act, which prescribes penalties ranging from three to 12 years,

imprisonment) penalties that are sufficiently stringent but not commensurate with those prescribed for serious crimes, such as rape. The government and IOM held joint training courses on human trafficking for civil servants, immigration, police and military officers, and members of the diplomatic, civil and religious communities. The Victims, Protection Unit (VPU) of the police also received gender-protection training from two NGOs. The government did not investigate persistent reports that police officers in Dili accepted bribes or sex in exchange for tolerating brothels, exploitation of trafficking victims. Complaints that some border officials accept bribes to let trafficking victims enter Timor-Leste were also not investigated.

Protection

During the past year, the government continued to ensure victims, access to protection services provided by NGOs and international organizations, as a severe lack of resources and personnel limit the Timorese government,s ability to provide services directly. The Ministry of Labor helped arrange assistance and shelter for victims of labor trafficking when cases were brought to its attention. In the absence of formal procedures, social service, immigration, and law enforcement agencies referred identified victims to NGOs for assistance on an ad hoc basis. Within the government, only the Immigration Department of the Ministry of Interior followed formal procedures to identify proactively trafficking victims among high-risk populations such as foreign women in prostitution. The government did not encourage victims to participate in investigations and prosecutions of trafficking offenders, although victims could file civil suits or take other legal action against traffickers. The draft penal code includes witness protection provisions; the present lack of such protections makes it difficult for victims to safely step forward and make their own allegations. Victims of trafficking were arrested for offenses committed as a direct result of being trafficked. This year, however, the government began to provide victims relief from imprisonment, summary deportation, or removal to a country where they may face hardship or retribution. Officials, in consultation with IOM, were authorized to determine a person,s status as a trafficking victim, rather than rely on the inefficient court system for such a determination.

STATE 00060526 003 OF 005

Prevention

Acknowledging that trafficking is a problem in the country, the Timorese government expanded its nation-wide trafficking awareness campaign in partnership with international and local NGOs. The Ministry of Foreign Affairs chaired the Trafficking Working Group, which includes the Ministries of Justice, Labor, and Social Solidarity, the VPU of the national police, the Office for the Promotion of Gender Equality, and representatives from the civil, religious, diplomatic, and NGO communities. During the year, the group met twice. IOM, the government, and a local NGO implemented a comprehensive trafficking awareness program for civil servants and police officers. Anti-human trafficking posters with emergency contact numbers are now prominently displayed at most government agencies, in National Police stations throughout the districts, and the Dili port and airport. The Ministry of Social Solidarity deployed 13 child protection officers, one to each district, to monitor and manage cases of vulnerable children. Local women's and children's rights NGOs worked with the government on campaigns to raise public awareness of trafficking and to prevent the sexual abuse of children. They distributed leaflets in several communities, which include the telephone numbers for the National Social Service Division, the police, and three local and international NGOs. The government also implemented a new birth registration program and began developing a new adoption and guardianship law, as a way to make children less

vulnerable to trafficking. Timor-Leste has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008

STATE 00060526 004 OF 005

contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a

determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1. Why was Timor-Leste again given a ranking of Tier 2?

¶A. The government of Timor-Leste does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the year, the government improved counter-trafficking coordination among ministries, trained officials and law enforcement officers on human trafficking, implemented a birth registration program as a form of trafficking prevention, established procedures to identify victims among foreign women arrested for prostitution, and increased trafficking awareness among vulnerable populations. The

government, however, did not arrest or prosecute any trafficking offenders, though officials identified some trafficking victims, and has not investigated persistent reports of law enforcement agents accepting bribes from traffickers.

STATE 00060526 005 OF 005

Q2. What is the nature of the trafficking situation in Timor-Leste?

¶A. Timor-Leste is a destination country for women from Indonesia, Thailand, the People's Republic of China, and the Philippines trafficked for the purpose of commercial sexual exploitation, and a destination country for men from Burma for the purpose of forced labor. Timor-Leste has a growing internal trafficking problem, mainly women and children lured to Dili from rural areas or camps for internally displaced persons with offers of employment and subsequently forced into prostitution. Transnational traffickers, who may be members of organized crime syndicates, typically recruit and control their victims through fraud and psychological coercion. An increased vulnerability of Timorese to trafficking caused by widespread internal displacement, poverty, and limited awareness of trafficking risks could lead Timor-Leste to become a source for victims to be trafficked to other countries.

Q3. How can Timor-Leste improve its anti-trafficking efforts?

¶A. The government could: pass and enact the draft Penal Code; increase investigations, prosecutions, and punishment of trafficking offenders; train law enforcement officers on victim identification; institute formal procedures for referring victims to service providers; and investigate, prosecute, and punish government officials who accept bribes from sex traffickers.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON